

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

APR 23 1999

PATRICK FISHER
Clerk

ANN MICHELE CABRERA,

Plaintiff-Appellant,

v.

THOMAS J. HORGAS and DANIEL
S. MCCONKIE,

Defendants-Appellees.

No. 98-4231
(D.C. No. 98-CV-773)
(D. Utah)

ORDER AND JUDGMENT*

Before **BRORBY**, **EBEL** and **LUCERO**, Circuit Judges.

This is a non-prisoner pro se appeal from the district court's order denying leave to proceed in forma pauperis. Plaintiff-appellant Ann Michele Cabrera filed a civil rights suit pursuant to 42 U.S.C. §§ 1983 and 1985, and also filed an application to proceed without prepayment of fees under 28 U.S.C. § 1915. The

*After examining appellant's brief and the appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a)(2) and 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This Order and Judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

district court denied Cabrera's application on grounds that she appeared to have sufficient means to pay the required filing fees.

The decision to grant or deny in forma pauperis status under § 1915 lies within the sound discretion of the trial court. See Cross v. General Motors Corp., 721 F.2d 1152, 1157 (8th Cir. 1983), cert. denied, 466 U.S. 980 (1984); Burns v. Veterans Admin., No. 98-5069, 1998 WL 704704, *1 (10th Cir. Oct. 5, 1998) (unpublished disposition).

Upon review of the affidavit originally submitted by Ms. Cabrera in support of her application, as well as her arguments on appeal, we find no abuse of discretion by the district court.

Accordingly, we AFFIRM the district court's denial of Ms. Cabrera's Application to Proceed Without Prepayment of Fees.

The mandate shall issue forthwith.

ENTERED FOR THE COURT

David M. Ebel
Circuit Judge